



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 5 2000

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Ms. Kelley Ogletree  
Missouri Petroleum Marketers  
and Convenience Store Operators  
205 E. Capitol Avenue  
Jefferson City, MO 65101

Dear Ms. Ogletree:

As you know, there was a reformulated gasoline (RFG) supply disruption in the St. Louis metropolitan area due to a leak in the Explorer Pipeline that occurred on March 10, 2000, in Greenville, Texas. A substantial portion of the RFG used in St. Louis is transported by the Explorer Pipeline. Because of this disruption, the Environmental Protection Agency (EPA) issued a waiver on March 17, 2000 to allow the temporary sale and distribution of conventional gasoline in the St. Louis RFG area. That waiver was in effect from March 17, 2000 through April 3, 2000. On April 3, 2000 EPA granted an extension of that waiver through April 5, 2000.

Since that original disruption, the St. Louis area has continued to experience supplies that have been just adequate to meet demands. As of May 5, 2000, most terminals in the St. Louis area have either no supply, or a very limited supply, of RFG and these terminals are not expecting this to be remedied until the morning of May 8, 2000. In addition, we have been informed by the U.S. Department of Energy that supplies of RFG are insufficient to cover demand in the St. Louis area until the next Explorer Pipeline shipment arrives May 8.

Section 211(k) of the Clean Air Act and the regulations promulgated thereunder (40 CFR Part 80 Subpart D) prohibit the sale of conventional gasoline in an RFG covered area. However, in light of the current supply situation in St. Louis, effective at 5:00 p.m. CST on May 5, 2000, I will exercise enforcement discretion and will enforce the RFG requirements as follows:

- Distributors may deliver conventional gasoline to retail outlets and wholesale purchaser-consumer facilities in the St. Louis covered area. This category of enforcement discretion expires on May 8, 2000 at midnight.
- Beginning on June 1, 2000, the gasoline at retail outlets and wholesale purchaser-consumer facilities in the St. Louis covered area must meet all applicable RFG standards including the VOC emissions control standard.

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2

- In order to ensure that RFG gasoline is utilized to the maximum extent possible, each distributor supplying conventional gasoline to the St. Louis covered area under the terms of this enforcement discretion EPA reserves its authority to assess a penalty of up to \$0.15 per gallon for every gallon of conventional gasoline distributed to the RFG area during the period of this enforcement discretion.

This relief is subject to the additional conditions:

1) A distributor who has RFG supplies must supply RFG instead of conventional gasoline, and if RFG is made available to other distributors these other distributors must use reasonable efforts to distribute RFG instead of conventional gasoline. However, a distributor supplying gasoline to a retail outlet that has been selling RFG containing MTBE is not required to supply RFG containing ethanol to such retail outlet; and

2) Any distributor who distributes conventional gasoline in the St. Louis covered area under this enforcement discretion explicitly agrees to be subject to the penalty provision above, and agrees to provide EPA sufficient information to determine the appropriate penalty amount. Any party who does not comply with these conditions will be liable for violating section 211 of the Clean Air Act and the RFG regulations at 40 CFR Part 80.

If you have questions, please call Mr. Erv Pickell of my staff at (303) 969-6485.

Sincerely,



Steven A. Herman

cc: Steve Mahfood,  
Missouri Department of Natural Resources

John Buchanan  
Missouri Department of Natural Resources,  
Energy Center